

रजिस्टर्ड नं० पी० 461.



# राजपत्र, हिमाचल प्रदेश

## (असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, शुक्रवार, 9 फरवरी, 1973/20 माघ, 1894

**GOVERNMENT OF HIMACHAL PRADESH**

**VIDHAN SABHA SECRETARIAT**

**NOTIFICATION**

*Simla-4, the 12th December, 1972*

**No. 10-29/72-VS.**—In pursuance of rule 135 of the Rules of Procedure and Conduct of Business of the Himachal Pradesh Legislative Assembly, the Himachal Pradesh Legislative Assembly Members Pension Bill, 1972 (Bill No. 27 of 1972) as introduced in the Legislative Assembly on the 12th December, 1972 is hereby published in the Himachal Pradesh Government Gazette.

S. S. KANWAR,  
*Secretary.*

Bill No. 27 of 1972

**THE HIMACHAL PRADESH LEGISLATIVE  
ASSEMBLY MEMBERS PENSION BILL, 1972**

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

A

**BILL**

*to provide for the payment of pension to the retiring Members of the Legislative Assembly of Himachal Pradesh.*

BE it enacted by the Legislative Assembly of the Himachal Pradesh in the Twenty-third Year of the Republic of India as follows:—

Short title  
and com-  
mencement.

1. (1) This Act may be called the Himachal Pradesh Legislative Assembly Members Pension Act, 1972.

Definition

(2) It shall come into force at once.

2. In this Act, unless the context otherwise requires,—

“Assembly” means the Legislative Assembly of Himachal Pradesh under Article 168 of the Constitution and includes Legislative Assembly constituted under sub-section (4) of section 10 of the State of Himachal Pradesh Act, 1970.

Pension

3. There shall be paid to every person who has served as a Member of the Assembly for one or more terms, covering a period of not less than 5 years, a pension of rupees three hundred per month:

53 of 1970

Provided that, where any such person without completing the period of five years contests to fill a seat in the Assembly and is defeated, the period that he has already served as member of the Assembly shall not be counted for making up the period of five years:

Provided further that, where any such person is re-elected as a member of the Assembly, no pension shall be payable for the period during which he remains member of the Assembly.

Effect of re-  
election.

4. Notwithstanding anything contained in section 3, if a person entitled to a pension under this Act contests to fill a seat in the Assembly and is defeated, he shall forfeit the pension with effect from the date of declaration of the result.

Pension to  
Members of  
the previous  
Assembly.

5. The provisions of this Act shall apply to the persons who were members of the Assembly which was dissolved on the 17th March, 1972 and the term of the period of five years as mentioned in section 3 shall be deemed to have commenced on the date on which the duration of that Assembly commenced.

Pension to  
be charged  
on the Con-  
solidated  
Fund of  
the State of  
Himachal  
Pradesh.

6. Any pension payable under this Act shall be charged on the Consolidated Fund of the State of Himachal Pradesh.

7. Every person entitled to pension under section 3 shall forfeit the same on having committed a serious crime or to have professed views against the sovereignty and integrity of the country: Forfeiture of pension.

Provided that the pension shall not be forfeited until the person concerned has been given a reasonable opportunity of showing cause against the action proposed to be taken against him.

8. The payment of the pension shall be made in the manner prescribed by rules made by the State Government. Rules

9. For the removal of doubts, it is hereby declared that it shall not be obligatory for a person to draw pension payable under section 3 of this Act. Removal of doubts.

## STATEMENT OF OBJECTS AND REASONS

The office of a Member of the Legislative Assembly is of very important nature in a democratic set up. It is necessary that when a Member ceases to be the Member of the Legislative Assembly then he should be provided with certain money to have a reasonable standard of life and enable him to devote himself to the activities beneficial to the State. This Bill provides for payment of pension to a retiring Member of the Legislative Assembly under certain conditions.

This Bill seeks to achieve the object of providing pension to the Members of the Legislative Assembly.

SIMLA:  
The December, 1972.

Y. S. PARMAR,  
Chief Minister.

## FINANCIAL MEMORANDUM

It is intended to give pension at the rate of Rs. 300 per mensem for life-time to the Members of the Legislative Assembly after they have ceased to be members under the circumstances given in the Bill.

Such persons who were elected Members of the Second Vidhan Sabha and did not contest elections are also entitled to this pension. The expenditure on this account during the current financial year is estimated to the tune of Rs. 12,600 and Rs. 50,400 per annum in subsequent years till the next general elections are held. The expenditure on this account will go on increasing after every general elections.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 3 of the Bill empowers the State Government to pay pension and clause 7 empowers the State Government to forfeit the pension. Rules to regulate these matters are also required to be framed and clause 8 empowers the State Government to make such rules. The delegations are normal in character.

## RECOMMENDATIONS OF THE GOVERNOR UNDER ARTICLE 207 OF THE CONSTITUTION OF INDIA

(G.A.D. File No. 2-7/72-GAC)

The Governor of Himachal Pradesh having been informed of the subject-matter of the Himachal Pradesh Legislative Assembly Members Pension Bill, 1972, recommends under Article 207 of the Constitution of India, the introduction and consideration of the Bill in the Legislative Assembly of Himachal Pradesh.

**TRANSPORT DEPARTMENT**  
**NOTIFICATION**

*Simla-2, the 6th February, 1973*

**No. 14-34/70. Tpt.**—Whereas in exercise of the powers conferred by section 68-C of the Motor Vehicles Act 1939 (Central Act 4 of 1939), the State Transport Under-taking namely Himachal Government Transport published a Scheme for the Nationalisation of Simla-Kalka Route by notification in Himachal Pradesh Rajpatra, dated the 23rd December, 1972 for inviting objections from the effected persons.

&

Whereas objections have since been received from certain objectors.

&

Now, therefore the Governor, Himachal Pradesh in exercise, of the powers vested in him under sub-section (2) of section 68-D of the Motor Vehicles Act 1939, is pleased to authorise/appoint the Secretary (Transport) to the Government of Himachal Pradesh to consider and hear the objections.

S. L. TALWAR,  
*Under Secretary.*

